

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

OLIVIA Y., et al)
)
Plaintiffs)
)
v.) CIVIL ACTION NO. 3:04cv251-DCB-FKB
)
TATE REEVES, as Governor of the State of Mississippi, et al.)
)
Defendants)

**DEFENDANTS' SECOND NOTICE OF THE IMPACT OF THE NOVEL
CORONAVIRUS (COVID-19) ON DEFENDANTS' OBLIGATIONS UNDER THE
2ND MODIFIED MISSISSIPPI SETTLEMENT AGREEMENT AND REFORM PLAN**

**TO: ALL COUNSEL OF RECORD
PUBLIC CATALYST GROUP, COURT-APPOINTED MONITOR**

Defendants provide this Second Notice of the Impact of the Novel Coronavirus (COVID-19) on Defendants' Obligations Under the 2nd Modified Mississippi Settlement Agreement and Reform Plan ("2nd MSA") – ("Second Notice of Impact").

1. On March 18, 2020, Defendants filed their first Notice of the Impact of the Novel Coronavirus ("First Notice of Impact"). As set forth in the First Notice of Impact, the obligations of the Mississippi Department of Child Protection Services ("MDCPS") under the 2nd MSA have been, and will continue to be, impacted by the ongoing global pandemic related to COVID-19.

2. The First Notice of Impact outlines the steps taken by MDCPS, up through its filing, in response to the national and state emergency brought about by the COVID-19 global pandemic. At the time of the filing of the First Notice of Impact, MDCPS had implemented several policies and procedures to protect the children in its custody and associated families as well as its staff and employees. The policies and steps taken by MDCPS prior to the filing of the Notice of Impact,

and which MDCPS has continued to take, are based on the guidance being promulgated, revised, and updated by the Mississippi State Department of Health (“MSDH”), the Centers for Disease Control and Prevention (“CDC”), the World Health Organization (“WHO”), the Children’s Bureau, an Office of the Administration for Children & Families of the U.S. Department of Health & Human Services (“Children’s Bureau”), and other authorities.

3. On March 25, 2020, Defendants provided the Monitor and Plaintiffs with an Update to the First Notice of Impact. *See Exhibit A: March 25, 2020 Update to Defendants’ Notice of the Impact of COVID-19 (“Update”).* The Update includes COVID-19 related guidelines which MDCPS has issued since March 18, 2020. The guidelines contained within the Update address several areas related to the impact of COVID-19, including:

- On March 19, 2020, MDCPS provided its caseworkers with guidance on how to record remote face-to-face visits in MACWIS to document contact made through remote means as opposed to in-home visits. MDCPS provided additional guidance on the topic to its caseworkers on March 24, 2020. The guidance includes specific documentation criteria to use within MACWIS which will enable future reporting to the Monitor and Plaintiffs with instances of where work could not be completed because of the impact of COVID-19. This documentation will further enable MDCPS to identify the provisions of the 2nd MSA which were impacted by COVID-19.
- Since March 18, 2020, MDCPS has provided three additional Foster Parent Alerts related to various topics including: education issues, communication efforts, and available resources.
- MDCPS has continued to advise its staff and employees on teleworking and updated its guidelines for contact with clients.

4. Because of the ever-changing and fluid nature of the COVID-19 pandemic, MDCPS anticipates it will promulgate additional COVID-19 guidelines to reflect additional guidance from MSDH, WHO, CDC, the Children’s Bureau, or other authorities. Defendants will, as they have from the outset of the COVID-19 pandemic, continue to provide these guidelines to the Monitor and Plaintiffs throughout the COVID-19 national emergency and will continue to provide constitutionally required care to all children in the *Olivia Y.* class.

RESPECTFULLY SUBMITTED, this the 26th day of March, 2020.

TATE REEVES, as Governor of the State of Mississippi, TAYLOR CHEESEMAN, as Acting Interim Commissioner, Mississippi Department of Child Protection Services, and TONYA ROGILLIO, as Deputy Commissioner of Child Welfare, Mississippi Department of Child Protection Services

By: /s/ Clint Pentecost

OF COUNSEL:

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
James L. Jones (MSB #3214)
William C. "Clint" Pentecost (MSB #99841)
One Eastover Center
100 Vision Drive, Suite 400
Jackson, MS 39211
Telephone: (601) 351-2400
Facsimile: (601) 351-2424

Harold E. Pizzetta, III
Assistant Attorney General
Office of the Mississippi Attorney General
P.O. Box 220
Jackson, MS 39205